IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.13867 of 2003

Dated: 11-07-2007

Between:

Poolathota Village Development Organisation, Poolathota.
A Registered Society No.311/02,
rep. by its President Sri G. Venkateswarlu Naidu,
s/o Krishnama Naidu,
r/o Poolathota,
D.V. Satram Mandal,
Nellore District.

... Petitioner

and

1. The District Collector, Nellore and 2 others.

... Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the action of respondents in not constructing permanent check-dam in the place of earthen check-dam on Guraja Kaluva near Vootacheruvu of Poolathota village, as illegal and arbitrary and consequently direct respondents to construct permanent check-dam in the place of earthen check-dam on Guraja Kaluva near Vootacheruvu.

2. Petitioner, a registered Organization, represented by its President states that the Government of Andhra Pradesh under Jala Chaitanya Scheme sanctioned a permanent concrete check-dam at the place where the earthen check-dam exists on Guraja Kaluva near Vootacheruvu at the estimated costs of Rs.1.15 lakhs and entrusted the execution of work to second respondent – Divisional Engineer, Irrigation Department, Sullurpet through third respondent – Mandal Revenue Officer. Accordingly, first respondent – District Collector has released 5.4 tonnes of rice as a first instalment for execution of the work, but respondents 2 and 3 are not executing the work on the pretext that some of the villagers of Kattuvapalli have raised an objection. Hence, petitioner approached this Court and filed the present writ petition.

3. Despite the fact that the notices are served, respondents have not chosen to file any counter affidavit.

4. Heard learned counsel for the parties.

5. However, learned Government Pleader for Irrigation on instructions has stated that this writ petition and three more writ petitions are filed seeking a direction for construction of check-dams or restoration of earth dam across Gurija Kalva near Poolathota village in D.V. Satram Mandal and as this Court granted an interim order in W.P.No.19688 of 2003 the said order was implemented, and as such no further orders need be passed in this writ petition.

6. Learned counsel for petitioner opposed the said submission and contended that the construction of the said check-dam is only a temporary basis covering the bridges, whereas the grievance of

petitioner in this writ petition is altogether different. However, as a representation is given by petitioner to the District Collector, who is the Unit Head for all purposes, the District Collector is hereby directed to consider the said representation dated 09-06-2003 and give a direction if necessary, to respondents 2 and 3, to construct a check-dam.

7. Accordingly, the writ petition is disposed of. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.11-07-2007
GLV